

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RODERICK L. HYMON

Plaintiff,
vs.

OFFICER ROSE, *et al.*,

Defendant.

Case No.: 2:23-cv-01276-GMN-EJY

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 20), from United States Magistrate Judge Elayna J. Youshah, which recommends that this action be dismissed with prejudice for failure to file an amended complaint.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. See, e.g., *United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. (See R&R, ECF No. 20) (setting a May 14, 2024, deadline for objections). The Court is aware, however, that

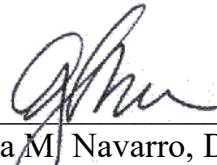
1 court filings being mailed to Plaintiff are coming back “undelivered.” While it is Plaintiff’s
2 responsibility to update his address on the docket, the Court believes it would be unfair to the
3 pro se Plaintiff to dismiss this case *with* prejudice as the R&R recommends.

4 Accordingly,

5 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 20), is
6 **ACCEPTED and ADOPTED** in full to the extent that it recommends dismissing this case.

7 **IT IS FURTHER ORDERED** that this case is **DISMISSED** without prejudice. The
8 Clerk of Court is kindly requested to close out this case.

9 Dated this 30 day of October, 2024.



10
11 Gloria M. Navarro, District Judge
12 United States District Court
13
14
15
16
17
18
19
20
21
22
23
24
25